

NO. 64073

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAY 01 1998
Returned to applicant for correction _____
Corrected application filed _____
Map filed MAY 01 1998

The applicant **Robert W. Marshall and Nanette Marshall**, hereby makes application for permission to change the **Point of Diversion, Place of Use and Manner of Use** of water heretofore appropriated under **Proof Second Amended 02737**

1. The source of water is **Warm Springs Valley Creek and Tributaries**
2. The amount of water to be changed **4.612 cfs not to exceed 638.4 acre-feet**
3. The water to be used for **Municipal and Domestic**
4. The water heretofore permitted for **Irrigation, stock water and domestic**
5. The water is to be diverted at the following point **POD#1) NW¼ NE¼ Section 30, T24N, R20E MDM or at a point from which the E¼ corner of Section 4, T23N, R20E MDM bears S44°24'43"E, a distance of 17,985.74 feet. POD#2) SE¼ SE¼ Section 19, T24N, R20E MDM or at a point from which the E¼ corner of Section 4, T23N, R20E MDM bears S40°22'36"E, a distance of 17,462.12 feet.**
6. The existing permitted point of diversion is located within **1) NW¼ NE¼ Section 30, T24N, R20E, MDM or at a point from which the E¼ corner of Section 4, T23N, R20E MDM bears S44°50'58"E, a distance of 17,860.69 feet; POD#2) SE¼ NE¼ Section 30, T24N, R20E MDM or at a point from which the E¼ corner of Section 4, T23N, R20E MDM bears S44°18'E, a distance of 15,635.0 feet.**
7. Proposed place of use **See Attached Exhibit A**
8. Existing place of use **See Attached Exhibit B**
9. Use will be from **January 1 to December 31 of each year.**
10. Use was permitted from **January 1 to December 31 of each year.**
11. Description of proposed works **Divert water to recharge area, drill recovery wells, install pumps, motor and transmission water lines to distribution system.**
12. Estimated cost of works **\$12,000,000**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **10 years**
15. Remarks: **This application is to take surface water to recharge into the underground basin and pump water from recovery wells. Measuring devices will be installed at various locations to account for water budget. See Recharge, Storage and Recovery Application. The total project is to deliver 2900 acre-feet per annum to the Lemmon Valley (North Valleys of Reno) Area.**

By **s/Richard W. Arden, Agent**
950 Industrial Way
Sparks, Nevada 89431

Compared nsr/jr ds/cmf

Protested Warm Springs Property Owners Assoc. 7/24/89; SEE FILE FOR LIST
over-ruled 9/11/01 see ruling No. 5066

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place and manner of use of the waters of Warm Springs Valley Creek and tributaries, as heretofore appropriated under Proof V02737 as appears in the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, is issued subject to the terms and conditions in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of recoverable water under Permits 64073, 64074 and 64075 will be limited to a maximum of 468.3 acre-feet annually or 68% of the measured decreed water of Warm Springs Creek, Dewey Springs and Pradere Springs. The amount of water available for recovery will be based on a calendar year. Before any water will be credited for recovery under Permits 64076, 64077, 64078 and 64079, the total decreed water right in the amount of 688.2 acre-feet under Permits 64073, 64074 and 64075 must be measured and recorded by a continuous recording stream gage, at a location approved by the State Engineer, upstream of the recharge area.

The total amount of water recoverable under Permits 64076, 64077, 64078 and 64079 will be limited to 62.5% of the flows in excess of the 688.2 acre-feet of the total decreed water rights under Permits 64073, 64074 and 64075, but not to exceed 1,188.0 acre-feet annually.

The total combined duties credited for recovery under Permits 64073, 64074, 64075, 64076, 64077, 64078 and 64079 is limited to 1,656.3 acre-feet annually.

The amount of water recoverable under Permits 64073, 64074, 64075, 64076, 64077, 64078 and 64079 will be determined on an annual basis, from the stream and spring flow data collected. No carry over credit is allowed under these permits unless approved by the State Engineer under a separate recharge, storage and recovery permit. It will be the responsibility of the permittee for maintenance and repair of any monitoring device required by the State Engineer. During any period of time when the continuous recording stream gage is inoperable for seven or more consecutive days, no credit for that period of time that the measuring device is out of operation will be given towards the amount of water available for recovery.

Daily records must be kept as to the amount of water passing the continuous recording stream gage on Warm Springs Creek upstream of the recharge area.

Weekly reports must be kept of the amount of water passing the existing weirs on Pradere Springs, Dewey Springs and Paiute Creek. The records must be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The State Engineer reserves the right to require additional stream and spring flow measurements, installation of measuring devices and reporting as deemed necessary to quantify the available resources of Warm Springs Creek, Dewey Springs and Pradere Springs and tributaries for recharge and recovery.

With the issuance of Permits 64073, 64074, 64075, 64076, 64077, 64078, and 64079, Proofs of Appropriation V-02737, V-02738 and V-02739 and Permits 28273, 28367, 28369, and 34960 are totally abrogated.

The issuance of Permits 64073, 64074, 64075, 64076, 64077, 64078, and 64079 are subject to the terms and conditions as set forth in State Engineer Ruling No. 5066, issued September 11, 2001.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.612 cubic feet per second, **but not to exceed 638.4 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

January 2, 2004

Proof of completion of work shall be filed before:

February 2, 2004

Water must be placed to beneficial use on or before:

January 2, 2012

Proof of the application of water to beneficial use shall be filed on or before:

February 2, 2012

Map in support of proof of beneficial use shall be filed on or before:

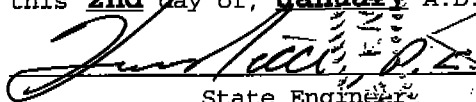
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 2nd day of, January A.D. 2002


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

N/A

Certificate No. _____

Issued _____

Abrogated By: 71301-T 4613 Exp 12-31-04

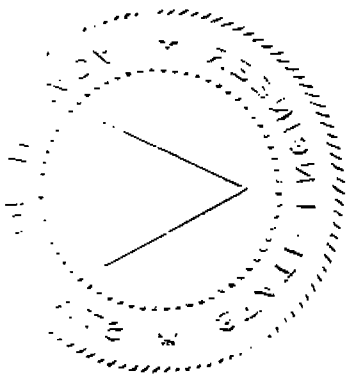


EXHIBIT "A"

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, all in T21N R19E MDM.

Section 36, T21N R18E MDM.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, all in T20N R19E MDM.

Sections 1 and 12 T20N R18E MDM.

EXHIBIT "B"

Area No. 8 (Acres)	Subd.	Section	Township	Range
4.5	SW¼ NW¼	29	24N	20E
31.6	NW¼ SW¼	29	24N	20E
1.6	NE¼ SW¼	29	24N	20E
13.6	SW¼ SW¼	29	24N	20E
13.8	SE¼ SW¼	29	24N	20E
1.9	SW¼ SE¼	29	24N	20E
3.6	NW¼ NE¼	30	24N	20E
1.6	SW¼ NE¼	30	24N	20E
25.4	SE¼ NE¼	30	24N	20E
14.5	NE¼ SE¼	30	24N	20E
1.2	SE¼ SE¼	30	24N	20E
2.0	NE¼ NW¼	32	24N	20E
15.8	NW¼ NE¼	32	24N	20E
2.1	NE¼ NE¼	32	24N	20E
18.1	SE¼ NE¼	32	24N	20E
10.8	SW¼ NW¼	33	24N	20E
5.3	NW¼ SW¼	33	24N	20E
2.1	NE¼ SW¼	33	24N	20E
8.0	SE¼ SW¼	33	24N	20E
3.0	SW¼ SE¼	33	24N	20E
4.1	NW¼ NE¼	4	23N	20E
Total 184.6 Acres				

